

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

United States of America,

vs.

Shane Christopher Buczek,

CLERK'S CERTIFICATION

Civil/Criminal No: 10-CV-383

USCA No:

I, MICHAEL J. ROEMER, CLERK of the District Court of the UNITED STATES for the Western District of New York, DO, HEREBY CERTIFY that the foregoing docket entries, with the exception of the documents listed below are maintained electronically on the court's CM/ECF system and constitute the Record on Appeal in the above-entitled action.

The following documents are not available electronically and are currently maintained in traditional fashion in the city of Buffalo Clerk's Office.

Docket # 6/10/10 - Received two (2) disks marked Exhibit "C"

Docket #

Docket #

Any additional records which are not currently available electronically, please feel free to contact us and we will arrange for the document(s) to be made available to you.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of said Court to be hereto affixed at the City of Buffalo, New York, this 1st day of November, 2011.

Michael J. Roemer, Clerk
U.S. District Court

By: s/ Diane Radloff
Deputy Clerk

APPEAL, HABEAS, CLOSED_2011, ProSe

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:10-cv-00383-MAT

Buczek v. Constructive Statutory Trust et al

Assigned to: Hon. Michael A. Telesca

Related Case: 1:09-cr-00141-WMS-1

Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 05/07/2010

Date Terminated: 09/29/2011

Jury Demand: Plaintiff

Nature of Suit: 550 Prisoner: Civil Rights

Jurisdiction: U.S. Government

Defendant

Date Filed	#	Docket Text
05/07/2010	<u>1</u>	PETITION for Writ of Habeas Corpus (Filing fee \$ 5, Receipt #18127), filed by Shane Christopher Buczek. Exhibits maintained in paper form in the Clerk's Office.(DR) (Entered: 05/13/2010)
06/09/2010	<u>2</u>	AMENDED PETITION for Writ of Habeas Corpus, filed by Shane Christopher Buczek. (Attachments: #(1) Exhibit A, #(2) Exhibits B-E.) (DLC) (Entered: 06/10/2010)
06/10/2010		NOTICE of MANUAL FILING by Shane Christopher Buczek Received two (2) disks each marked Exhibit "C" along with <u>2</u> Amended Complaint. (DLC) (Entered: 06/10/2010)
06/18/2010	<u>3</u>	MOTION FOR Judgment on the Pleadings by Shane Christopher Buczek.(DR) (Entered: 06/22/2010)
07/06/2010	<u>4</u>	MOTION to Take Judicial Notice of the Determination by the DOJ that Title 18 (1948) is Unconstitutional and of the Fair Warning Doctrine by Shane Christopher Buczek.(DZ) (Entered: 07/07/2010)
08/23/2010	<u>5</u>	MOTION/PETITION for Determination of a Question of Jurisdiction by Shane Christopher Buczek.(DR) (Entered: 08/24/2010)
10/07/2010	<u>6</u>	DECISION AND ORDER DIRECTING Respondents to file an answer and memorandum of law no later than November 15, 2010; GIVING Petitioner 20 days to respond thereto and SETTING deadline for Respondents to file motions. Signed by William M. Skretny, Chief Judge U.S.D.C. on 10/6/2010.(CMD) (Entered: 10/07/2010)
10/07/2010	<u>7</u>	NOTICE of Appearance by Anthony M. Bruce on behalf of All Defendants (Bruce, Anthony) (Entered: 10/07/2010)
10/08/2010	<u>8</u>	MOTION to Dismiss <i>The Petition For A Writ Of Habeas Corpus And The Amended Petition For A Writ Of Habeas Corpus</i> by Eric H. Holder, Bryan

		Matthews, United States Marshals, United States Probation, United States of America.(Bruce, Anthony) (Entered: 10/08/2010)
10/12/2010	<u>9</u>	NOTICE of Appearance by Anthony M. Bruce on behalf of John Clark, Eric H. Holder, Bryan Matthews, United States Marshals, United States Probation, United States of America (Bruce, Anthony) (Entered: 10/12/2010)
10/13/2010	<u>10</u>	MOTION to Dismiss <i>Amended Motion To Dismiss The Petition For A Writ Of Habeas Corpus And The Amended Petition For A Writ of Habeas Corpus</i> by John Clark, Eric H. Holder, Bryan Matthews, United States Marshals, United States Probation, United States of America.(Bruce, Anthony) (Entered: 10/13/2010)
10/22/2010	<u>11</u>	ANSWER to MANDATORY JUDICIAL NOTICE OF RESPONSES AND ANSWERS by Shane Christopher Buczek to petition for writ of habeas corpus and the amended petition for a writ of habeas corpus conflict of violations and move to amend habeas corpus under Article 1, Clause 9 of the Consitution (Attachments: # <u>1</u> exhibits, # <u>2</u> cont. of exhibits)(DZ) (Entered: 10/25/2010)
11/15/2010	<u>12</u>	NOTICE of Appearance by Melissa Noel Subjeck on behalf of Depository Trust Corporation, Donald F. Donahue (Subjeck, Melissa) (Entered: 11/15/2010)
11/15/2010	<u>13</u>	NOTICE of Appearance by Margaret A. Dale on behalf of Depository Trust Corporation, Donald F. Donahue (Dale, Margaret) (Entered: 11/15/2010)
11/15/2010	<u>14</u>	MOTION for Extension of Time to File <i>Motion to Enlarge Scheduling Order</i> by Depository Trust Corporation, Donald F. Donahue.(Dale, Margaret) (Entered: 11/15/2010)
11/15/2010	<u>15</u>	DECLARATION signed by Margaret A. Dale, Esq. filed by Donald F. Donahue, Depository Trust Corporation <i>Declaration in Support of Motion to Enlarge Scheduling Order</i> filed by Donald F. Donahue, Depository Trust Corporation. (Attachments: # <u>1</u> Exhibit A)(Dale, Margaret) (Entered: 11/15/2010)
11/17/2010	16	TEXT ORDER. IT HEREBY IS ORDERED THAT, Respondents, The Depository Trust Company and Donald F. Donohue's <u>14</u> Motion for a 30-day extension of time in which to file a Motion to Dismiss and an Answer to the Petition is GRANTED. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 11/16/2010. (CMD) (Entered: 11/17/2010)
11/18/2010	17	Remark: 16 Text Order mailed to Shane Buczek at Northeast Ohio Correctional Center, 2240 Hubbard Road, Youngstown, OH 44505. (CMD) (Entered: 11/18/2010)
11/18/2010	<u>18</u>	MOTION to Dismiss <i>the petition for a writ of habeas corpus and the amended petition for a writ of habeas corpus</i> by Depository Trust Corporation, Donald F. Donahue.(Dale, Margaret) (Entered: 11/18/2010)
11/18/2010	<u>19</u>	MEMORANDUM in Support re <u>18</u> MOTION to Dismiss <i>the petition for a writ of habeas corpus and the amended petition for a writ of habeas corpus</i> filed by Depository Trust Corporation, Donald F. Donahue. (Dale, Margaret) (Entered: 11/18/2010)

12/06/2010	<u>20</u>	SCHEDULING NOTICE on <u>10</u> <u>18</u> Motions to Dismiss. Responses due by 1/14/2011. Replies due by 2/4/2011. Oral Argument will be scheduled by the Court if necessary. (MEAL) (Entered: 12/06/2010)
12/15/2010	<u>21</u>	RESPONSE to <u>2</u> Petition for Writ of Habeas Corpus, <u>1</u> Petition for Writ of Habeas Corpus, RESPONSE to <u>2</u> Petition for Writ of Habeas Corpus, <u>1</u> Petition for Writ of Habeas Corpus by Depository Trust Corporation, Donald F. Donahue. (Dale, Margaret) (Entered: 12/15/2010)
12/16/2010		E-Filing Notification: Document filed in wrong case.Re-file document. Disregard docket entry. <u>21</u> RESPONSE to <u>2</u> Petition for Writ of Habeas Corpus, <u>1</u> Petition for Writ of Habeas Corpus, RESPONSE to <u>2</u> Petition for Writ of Habeas Corpus, <u>1</u> Petition for Writ of Habeas Corpus by Depository Trust Corporation, Donald F. Donahue.(Dale, Margaret) (DLC) (Entered: 12/16/2010)
12/16/2010	<u>22</u>	RESPONSE to <u>2</u> Petition for Writ of Habeas Corpus, <u>1</u> Petition for Writ of Habeas Corpus, RESPONSE to <u>2</u> Petition for Writ of Habeas Corpus, <u>1</u> Petition for Writ of Habeas Corpus by Depository Trust Corporation, Donald F. Donahue. (Dale, Margaret) (Entered: 12/16/2010)
12/17/2010	<u>23</u>	DECLARATION filed by United States of America <i>Declaration Regarding The Falsity Of The Attached Document</i> . (Bruce, Anthony) (Entered: 12/17/2010)
01/26/2011	<u>24</u>	CERTIFICATE OF SERVICE by Depository Trust Corporation, Donald F. Donahue re <u>22</u> Response to Habeas Petition,,, <i>Amended Certificate of Service</i> (Dale, Margaret) (Entered: 01/26/2011)
03/16/2011		Remark pltf address updated from Derby Road to FCI Loretto (SSK) (Entered: 03/16/2011)
07/25/2011	<u>25</u>	TEXT ORDER REASSIGNING CASE. IT HEREBY IS ORDERED that this case is TRANSFERRED to the Hon. Michael A. Telesca for all further proceedings. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 7/25/2011. (MEAL) (Entered: 07/25/2011)
08/26/2011	<u>26</u>	ORDER directing petitioner to notify the Court in writing within thirty (30) days whether he elects (1) to withdraw the petition and amended petition or (2) to proceed with the petition and amended petition which shall be designated as a motion pursuant to 28 U.S.C. Section 2255. If he fails to notify the Court within thirty (30) days in accordance with this Order, the petition and amended petition shall be designated as a motion pursuant to 28 U.S.C. Section 2255 and the Court shall then proceed to rule on the Government's motion to dismiss. During the thirty (30) days that petitioner has in which to respond to the Court's order, the proceeding is stayed. Signed by Hon. Michael A. Telesca on 8/26/11. (JMC) (Entered: 08/26/2011)
09/26/2011	<u>27</u>	MOTION to Amend/Correct <u>2</u> Petition for Writ of Habeas Corpus by Shane Christopher Buczek. (Attachments: # <u>1</u> Exhibits A, B and C, # <u>2</u> Exhibit D, # <u>3</u> Cover Letter)(DR) (Entered: 09/27/2011)
09/29/2011	<u>28</u>	ORDER granting <u>27</u> Motion to Amend or Correct; dismissing <u>3</u> Motion ;

		dismissing <u>4</u> Motion ; dismissing <u>5</u> Motion ; granting <u>10</u> Motion to Dismiss; finding as moot <u>18</u> Motion to Dismiss; dismissing with prejudice <u>1</u> Petition; dismissing with prejudice <u>2</u> Amended Petition; and dismissing with prejudice all claims asserted in <u>27</u> Motion to Amend. Signed by Hon. Michael A. Telesca on 9/29/11. (JMC) (Entered: 09/29/2011)
09/30/2011	<u>29</u>	JUDGMENT in favor of United States of America against Shane Christopher Buczek. Signed by Michael J. Roemer, Clerk of Court, on 9/30/11. (DR) (Entered: 09/30/2011)
10/13/2011	<u>30</u>	MOTION for Reconsideration re <u>28</u> Order on Motion to Amend/Correct, Order on Motion for Miscellaneous Relief, Order on Motion to Dismiss, by Shane Christopher Buczek.(DR) (Entered: 10/18/2011)
10/24/2011	<u>31</u>	ORDER denying <u>30</u> Motion for Reconsideration with prejudice. Signed by Hon. Michael A. Telesca on 10/24/11. (JMC) (Entered: 10/24/2011)
10/25/2011		Remark - Copy of Order <u>31</u> mailed to Petitioner. (DR) (Entered: 10/25/2011)
11/01/2011	<u>32</u>	NOTICE OF APPEAL as to <u>29</u> Judgment, <u>28</u> Order on Motion to Amend/Correct, Order on Motion for Miscellaneous Relief, Order on Motion to Dismiss, by Shane Christopher Buczek. Fee Status: Fee Due - IFP denied. (DR) (Entered: 11/01/2011)